

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES ANTHONY COOPER,

Defendant-Appellant.

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UNPUBLISHED

December 18, 2001

No. 226230

Oakland Circuit Court

LC No. 95-143040-FH

Before: Cooper, P.J., and Cavanagh and Markey, JJ.

PER CURIAM.

Defendant appeals as of right the revocation of his probation, MCL 771.4, for violating its terms by having unsupervised contact with minors, inappropriate sexual contact with other developmentally disabled persons, and by bringing a knife to a workshop for the disabled with the admitted intention of killing someone. We affirm.

We review probation revocation orders to determine whether the sentencing court could have found, by a preponderance of the evidence based on verified facts of record, that the defendant violated the terms of his probation. MCR 6.445(E)(1); *People v Pillar*, 233 Mich App 267, 269-270; 590 NW2d 622 (1998).

On appeal, defendant first argues that he did not violate the “no contact with minors without adults” condition of his probation because he did not physically touch or verbally communicate with minors. We disagree.

One of the conditions of defendant’s probation was that he “have no contact with minors without adults.” The evidence of record includes that defendant placed himself on a street corner, for a period of months, at a time when certain children would be walking home from school, and stared at them. The children eventually became frightened and required a neighbor to escort them home from school. On one occasion, defendant followed one of the children home and proceeded to knock on her door repeatedly, frightening the child.

The dictionary definition of “contact” includes “meeting” and “immediate proximity or association.” *Random House Webster's College Dictionary* (2d ed, 1997). By placing himself at the particular location, at the particular time, for months, for the sole purpose of staring at the children as they walked home from school, defendant was “meeting” the children. Further, he

was in the “immediate proximity or association” of the children. Moreover, appearing at the child’s house and knocking on her door, repeatedly, was a form of communication that is clearly understood as a request for entry and constitutes contact. Consequently, the sentencing court could find, by a preponderance of the evidence, that defendant violated this condition of his probation.

Defendant also argues that there was no evidence that the child at whose door he knocked was home alone. However, the police report, admitted into evidence without objection, clearly states that the child was home alone when defendant came to her door. Consequently, this issue is without merit.

Next, defendant argues that it was error for the judge to consider his assaultive conduct at the workshop program he attended because he did not receive written notice of these allegations. However, the record reveals that defendant’s argument is meritless. At the evidentiary hearing, on the prosecutor’s motion to amend the petition to include the assaultive conduct allegations, defendant’s counsel stated, “[w]e have no objection to the amendment. I have been on notice of that amendment or proposed amendment since I was appointed on this matter, your Honor.” Consequently, there is no error for this Court to review. See *People v Carter*, 462 Mich 206, 214-216; 612 NW2d 144 (2000).

Finally, defendant claims that his right of allocution before sentencing was denied. However, the record reveals that the sentencing court gave defendant the opportunity to allocute, after his attorney had spoken on his behalf, but defendant did not respond. Consequently, the sentencing court complied with MCR 6.425(D)(2)(c) and resentencing is not required. See *People v Lugo*, 214 Mich App 699, 712; 542 NW2d 921 (1995).

Affirmed.

/s/ Jessica R. Cooper  
/s/ Mark J. Cavanagh  
/s/ Jane E. Markey